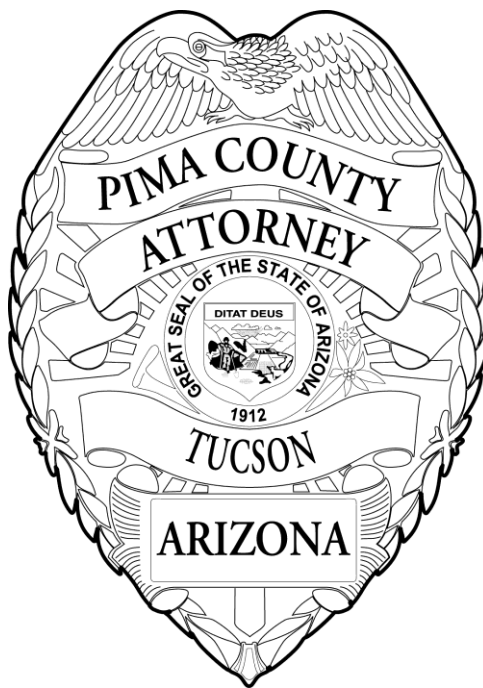


**ANNUAL REPORT ON THE
INVESTIGATION OF CHILD ABUSE
2013 - 2014
PIMA COUNTY, ARIZONA**



**BARBARA LAWALL, PIMA COUNTY ATTORNEY
OFFICE OF THE PIMA COUNTY ATTORNEY
32 N. STONE AVENUE, SUITE 1400
TUCSON, ARIZONA 85701**

Annual Report on the Investigation of Child Abuse 2013-2014 Pima County, Arizona

According to Statute § 8-817, the Pima County Attorney's Office is responsible for providing an annual report on the investigation of child abuse in the county to the Governor, the Speaker of the House of Representatives, and the President of the Senate. In Pima County the Multi-Disciplinary Team (MDT) for Child Abuse Investigation was created to ensure compliance with the protocol by that name. The protocol was developed in 1992-1994 under the leadership of the Pima County Attorney's Office in response to a perceived community need. In 2003 the Arizona State Legislature passed A.R.S. § 8-817 requiring the development of, and adherence to, a multidisciplinary protocol for the investigation of child abuse.

The Pima County Protocols for the Multi-Disciplinary Investigation of Child Abuse include the monitoring of all investigations of **“allegations involving criminal conduct”** defined by A.R.S. § 8-801 to insure that joint investigations are conducted. Statute (§ 8-801) includes the following statutes in its description of child abuse: inflicting or allowing sexual abuse pursuant to section § 13-1404, sexual conduct with a minor pursuant to § 13-1405, sexual assault pursuant to § 13-1406, molestation of a child pursuant to § 13-1410, continuous sexual abuse of a child pursuant to § 13-1417, child prostitution pursuant to § 13-3212, commercial sexual exploitation of a minor pursuant to § 13-3552, sexual exploitation of a minor pursuant to § 13-3553, certain domestic violence offenses that rise to the level of a felony pursuant to § 13-3601, and physical injury pursuant to § 13-3623.

This report is the compilation of information collected from the municipal, county, and state agencies on the number of cases handled and the frequency of joint investigations conducted in Pima County. The report also notes problems identified with the reporting and collection of data.

Pima County Attorney's Office

Number of Defendants: 830

Number of Charges: 988

13-1404:	87 defendants	92 charges
13-1405:	115 defendants	120 charges
13-1406:	76 defendants	82 charges
13-1410:	84 defendants	89 charges
13-1417:	13 defendants	13 charges
13-3553:	32 defendants	34 charges
13-3601:	164 defendants	181 charges
13-3623:	369 defendants	377 charges

Number of cases presented by:

Department of Public Safety:	11
Department of Homeland Security	4
Federal Bureau of Investigations	1
Marana Police Department:	13
Oro Valley Police Department:	12
Pascua Law Enforcement:	2
Pima Community College PD	1
Pima County Sheriff's Department:	260
Pinal County Sheriff's Department:	1
Sahuarita Police Department:	11
Tucson Police Department:	513
University of Arizona PD:	2
U.S. Postal Inspector	1

Case Dispositions (these include actions that occurred both at issuing and after indictment).

Number of Defendants: 820

Number of Charges: 945

Unique Defendant Count by Disposition:

Conflict to Other Agency:	2
Dismissed With Prejudice:	9
Dismissed Without Prejudice:	121
Guilty No Contest:	1
Guilty-Plea:	383
Guilty-Trial:	13
Not Guilty:	6
Reviewed and Refused:	293

Southern Arizona Children's Advocacy Center

Number interviews: 1198

Number children served: 1261

Number of jointly investigated cases: 486 (44.1%) - not all investigations are eligible for joint investigation; many are out-of-home cases, so DCS (formerly CPS) is not involved

Number of Medical Examinations: 165

Marana Police Department

15 cases were investigated involving serious child crimes allegations,

7 of the cases were worked jointly with DCS (formerly CPS).

7 of the cases were prosecuted under the following statutes:

13-1405 sex with a minor	3 cases
13-3623 child abuse	3 cases
13-3553 sexual exploitation	1 case

South Tucson Police Department

23 cases involving Child Crime allegations based on the FBI UCR

Classification for Offenses Against Family and Children:

4 under UCR 20.01 Physical Abuse

3 under UCR 20.02 Neglect

5 under UCR 20.05 Custodial Interference

10 under UCR 20.06 Other-Child Abuse

1 under UCR 20.15 Custodial Interference/DV

Most cases are investigated jointly with DCS (formerly CPS). There is no indication in the STPD system to identify the number referred for prosecution.

Tucson Police Department

Child Sexual Assault and Dependent Child Units

	<u>Reviewed/Received</u>	<u>Assigned</u>
Child Molestation:	304	189
Sex Offenses:	151	67
Sexual Assault:	101	74
Physical Abuse:	362	199
Neglect:	139	71

There are more cases received by each unit that are not depicted in this report. Only the specified crime classifications were recorded here. All cases assigned through the TPD Dependent Child Unit are jointly

investigated with DCS (formerly CPS) however, TPD does not document which cases in the Child Sexual Assault unit are jointly investigated.

Pima County Sheriff's Office – Crimes Against Children Unit

	<u>Received</u>
Child Molestation	145
Sex Offenses [other]	297
Physical Abuse	435
Neglect	61
Sex Assault/Rape [Child]	23
Sex Offender Registration	257
Missing/Endangered	241

Unless a case does not meet the criteria for DCS (formerly CPS) involvement, 90% of PCSO sex abuse/sex offense cases are jointly investigated. On physical abuse cases the PCSO works joint investigations only 45% of the time and DCS conducts their own follow-up.

Oro Valley Police Department

31 cases involving serious child abuse conduct allegations

- 23 cases jointly investigated with DCS (formerly CPS)

- 3 cases jointly investigated with Tucson Police Department

- 2 case jointly investigated with the Marana Police Department

- 1 case jointly investigated with Pima County Sheriff's Office

- 10 cases referred for prosecution:

- 12 cases jointly investigated with Children's Advocacy Center

Of the cases were charged under the follow statutes:

- 8 cases of § 8-309 Unlawful use of an electronic communication device by a minor

- 1 cases under § 13 -1102 Negligent Homicide

- 2 case under § 13-1203A1/13-3601 DV Assault

- 1 case under § 13-1204A2 Agg Assault with knife

- 1 case under § 13-1204A6 Agg Assault on Minor under 14 YOA

- 1 case under § 13-1204B1 Agg Assault Impede Breathing

- 1 case under § 13-1602/13-3601 DV Criminal Damage

- 1 case under § 13-3553 Child Pornography

- 3 cases under § 13-3623 Child Abuse

Sahuarita Police Department

Based on the FBI UCR classifications for Offenses Against Family and Children there were a total of 27 cases involving serious child abuse conduct

allegations. Twenty-one cases were jointly investigated with DCS (formerly CPS).

13 cases of 20.01, Physical Abuse (12 of these were referred to or by DCS).

1 case of 20.02, Neglect (was referred to or by DCS).

3 case of 20.05, Custodial Interference (none were referred to or by DCS).

1 case of 20.15, Domestic Violence Custodial Interference (was referred to or by DCS).

6 cases of 20.16, Offenses Against Family Other (4 of these cases were referred to or by DCS).

2 cases of 17.02, Child Molesting (2 were referred to or by DCS).

1 case of 17.06, Sex Offenders – Other (was referred to or by DCS).

Problems Identified With Reporting Child Abuse and Joint Investigations

There is a problem with each agency defining criminal conduct against children differently and then collecting and reporting on different types of data. The Pima County Attorney's Office uses the definition of criminal conduct given in A.R.S. § 8-801:

2. *"Extremely serious conduct allegation" means an allegation of conduct by a parent, guardian or custodian of a child that, if true, would constitute any of the following:*

(a) A violation of section 13-3623 involving child abuse.

(b) A felony offense that constitutes domestic violence as defined in section 13-3601.

(c) A violation of section 13-1404 or 13-1406 involving a minor.

(d) A violation of section 13-1405, 13-1410 or 13-1417.

(e) Any other act of abuse that is classified as a felony.

Because of item (e) above the Pima County Attorney's Office report includes:

§13-3552 - *commercial sexual exploitation of a minor,*

§13-3553 - *sexual exploitation of a minor,*

§13-3212 - *child prostitution.*

The Pima County Attorney's Office CAPS data collection system allows reporting by statute charged. Some Law Enforcement agencies are able to report by the Arizona statute, while others use the Uniform Crime Reporting (UCR) system of the FBI. Adding to the problem is that when searching by statute, A.R.S. § 13-3623 and § 13-3601 include not only acts

against children but against adults, thus additional vigilance of the data is needed.

Cases that occur out of the home or do not involve a family member are not within the scope of authority for DCS (formerly CPS) so they are not jointly investigated.